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Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

HUDSON INSURANCE COMPANY, a
Delaware corporation,

Plaintiff,

v.

PARKROSE AUTO, LLC, an Oregon
limited liability company; **SUKHVINDER
BRAR**, an individual; **CHALLA ANOTTA**,
an individual; **BRASHER'S CASCADE
AUTO AUCTION, INC. dba BRASHER'S
PORTLAND AUTO AUCTION**, an Oregon
corporation; **BRASHER'S NORTHWEST
AUTO AUCTION, INC.**, an Oregon
corporation; **UNITED FINANCE CO.**, an
Oregon corporation; **MARKEL TOWN**, an
individual; and **TRASE MYERS**, an
individual,

Defendants.

Case No.: 3:16-cv-00511-AC

**DEFENDANT MARKEL TOWN and
TRASE MYERS ANSWER and
COUNTERCLAIM**

ANSWER

Defendants Markel Town (Town) and Trase Myers (Myers), by and through their
attorney Young Walgenkim, answer Plaintiff's complaint as follows:

1. Defendants Town and Myers admit paragraphs 1, 2, 4, 7, and 11-14 of Plaintiff's Complaint.
2. Defendants Town and Myers have no knowledge or information sufficient to form a belief as

to the truth of the allegations contained in the remaining paragraphs, and therefore deny the same.

COUNTERCLAIMS

3. Although \$40,000 is the bond limit, \$20,000 is the maximum amount available under the bond for claimants who are not retail customers pursuant to ORS 822.030(3).
4. Claimants other than Town and Myers are not retail customers, and together are entitled to no more than \$20,000 of the bond.
5. Town and Myers are a retail customers, and are entitled to no more than \$40,000 of the bond.

FIRST CLAIM FOR RELIEF: ACTION AGAINST THE BOND (ORS 822.030)

6. Town and Myers re-allege the above paragraphs, and incorporate the same herein.
7. PARKROSE AUTO LLC, (Parkrose) sold a 2009 Audi A4 (A4) to Town and Myers through the use of fraudulent representations in one or more of the following ways:
 - 1) Misrepresentation of qualities and benefits of the A4;
 - 2) Misrepresentation of price of the A4;
 - 3) Failure to disclose material defects of the A4; and
 - 4) Misrepresentation of financing terms for the A4.
8. On September 28, 2015, Town and Myers filed a complaint against Parkrose and HUDSON INSURANCE COMPANY (Hudson) alleging violations of the Unlawful Trade Practices Act (ORS 646.605); Truth in Lending Act (15 USC § 1601); and Bond Liability (ORS 822.030), claiming \$24,492.64 in damages.
9. On November 25, 2015, Town and Myers received a judgment against Parkrose in the amount of \$26,817.64.
10. Hudson and Parkrose are jointly and severally liable for these damages pursuant to ORS

822.030 and the DMV-required bond.

11. Proof of loss was filed with Hudson on November 19, 2015. Hudson did not make any tender to Town and/or Myers within six months of the date the proof of loss was filed.

12. If Town and Myers recover any amount from Hudson, Town and Myers are entitled to attorney fees against Hudson pursuant to ORS 742.061(1).

PRAYER FOR RELIEF

WHEREFORE, Defendants Town and Myers pray judgment be entered against Plaintiff for:

FIRST CLAIM FOR RELIEF: ACTION AGAINST THE BOND (ORS 822.030):

- a) Order declaring only \$20,000 of the bond amount available for non-retail claimants, and \$40,000 available for retail claimants including Town and Myers;
- b) An award of actual damages of \$26,817.64;
- c) An award of reasonable attorney fees and costs; and
- d) Any and all other relief the court deems just and equitable.

DATED: April 26, 2016

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